



Child Protective Services

A PARENT'S GUIDE

Massachusetts
Department of
Social Services

Caring for kids

Name of Social Worker

Name of Supervisor

Area Office/Contracted Provider Agency

Address

Telephone Number

The Department of Social Services was established under the laws of the Commonwealth of Massachusetts to protect children and to strengthen and support families. As part of its mandate, the Department is required to investigate reports of child abuse and child neglect.

Parenting is rewarding, but it is not always easy. When problems arise in a family, it is often the children who are emotionally or physically affected. Unfortunately, some parents do not know where to turn to get help for their children or themselves.

This Guide was written to explain the role of the Department's social workers and other staff who work together to serve you and your family. The Department recognizes that this can be a very difficult time for you and your family. Please remember that our goal is to ensure the safety and well-being of your child.

Why has a social worker from the Department come to my home?

A social worker has come to your home because the Department received a report that your child may have been abused or neglected, or may be at risk of being abused. The report, also known as a "51A," is in response to a state law that requires professionals who have contact with children (such as doctors, nurses, schoolteachers, police officers, or child care workers) to inform the Department if they suspect that a child is being abused or neglected. These individuals must report suspected child abuse or neglect, or they can be fined. The law also allows other people (such as a relative, friend, or neighbor) to file a 51A report if they suspect a child has been abused or neglected. A 51A report is made on behalf of a child(ren); it is not made against a parent or a family.

A social worker's visit to your home is part of the investigation of a report. You will be asked to discuss the allegations in the report, and may wish to have someone with you during this visit. Massachusetts state law requires that the investigation be completed within 10 calendar days after the date of the report. (In an emergency situation, the investigation will be completed within 24 hours after the report is designated as an emergency). You will be notified by the Department, in writing, of the results of the investigation.

What happens during an investigation?

The social worker gathers information about the allegations of abuse or neglect by speaking to you and members of your immediate family. The social worker will want to see all of the children in your home, and particularly the child on whose behalf the report was filed. The social worker may also want to speak to your child's school teacher, pediatrician, school counselor, or other persons who may have relevant information concerning the case. You may also want to provide the social worker with the names of other people who know you, such as a member of the clergy or a neighbor. These interviews with your family and other significant people form the basis of the social worker's investigation.

What if I don’t want a social worker to investigate my family?

In most cases, families prefer to work with the Department during the investigation process. However, there also are times when a family is not willing to talk with a social worker. While it is your right to refuse to participate in the investigation, please understand that we came out of concern for your child and your family. During an investigation, the Department is required to meet with parents and all children in the household. If a family refuses to allow a home visit or otherwise prevents the social worker from seeing a child, the Department may seek help from the police or court.

Who filed the report? May I read it?

The Department cannot reveal the identity of the reporter. The social worker will be as specific as possible in relating the details of the reported allegations. Remember, the social worker has come to your home to ensure the safety and well-being of your child. Once the social worker completes the investigation, you may request a copy of the 51A report as well as the investigation report, known as the 51B. The majority of requests are granted. Individual requests are carefully considered and decisions are based on what is in the child’s best interests. If the information is made available to you, the identity of the reporter(s) will be withheld.

Will my children be taken away?

In the vast majority of cases, **NO**. In fact, the majority of the children served by the Department remain in their homes. Our goal is to ensure that children’s health and safety needs are being addressed and to help parents care for their children in their own home. Unless your child is at risk of harm, we will assist you in accessing services to help your family care for the child at home, thereby keeping the family together.

When a child must be removed from his or her home, we may ask the parent(s) to identify family members or friends who could care for the child. In the small number of cases in which the Department determines a child is at immediate risk or harm, we will ask the court for permission to remove the child and provide an immediate placement. In very rare cases, the Department can remove a child before getting the court’s permission, but is required to appear in court to request approval the first court day following the child’s removal. Remember, if a child is removed from your home to ensure his or her safety and well-being, our goal is to return the child as soon as it is safe to do so.

Does the Department file criminal charges?

NO. The Department does not file criminal charges and does not have the authority to arrest. However, if we support a report of sexual abuse or exploitation, serious injury, physical injury, or death of a child, the law requires the Department to notify the District Attorney who has the authority to file criminal charges.

What are my rights?

Your rights under the law include, but are not limited to, the following:

- The right to have the investigation conducted in your preferred language.
- The right to speak with an attorney or to have one with you at any time. If the Department seeks help from the court, you should consult an attorney. If you are unable to pay for an attorney, the judge will appoint one for you.
- The right to be notified in writing of the Department’s decision to support or unsupport the report.
- The right to ask and to have answered any questions you might have about the process, including the allegation(s) and the investigation(s).

What happens after an investigation?

After completing the 51B investigation, the Department determines whether the allegations in the report will be “unsupported” or “supported.” “Unsupported” means the Department did not find reasonable cause to believe that your child has been abused or neglected by a caretaker. The Department will not have any further involvement with your family unless you already have an open case with us or unless you voluntarily request our services.

“Supported” means the Department found reasonable cause to believe that your child was abused or neglected by a caretaker. If, during the course of the investigation, the person alleged to be responsible for the abuse or neglect is identified, the social worker will include the information in the 51B investigation report. After the investigation is completed, if you and your family need services, a social worker will begin a family **Assessment**.

What kind of services/help does DSS provide to families?

DSS offers a variety of services either directly or through other agencies. Your social worker will explain these and other specific services available in your community, which may include:

- Case management
- Family support services such as child care, parent aides, counseling and other therapeutic services, family and adolescent mediation
- Services to support cultural and linguistic minority families
- Information and referral to other state and community agencies
- Emergency shelter for children and adolescents
- Services for pregnant and parenting adolescents
- Sexual abuse prevention and treatment services
- Domestic violence services
- Referral to substance abuse treatment
- Foster and residential care
- Adoption and guardianship

Are there other agencies or hotlines that help families in need?

In addition to the Department of Social Services, there are other organizations that can provide assistance to your family. Two are listed below, and your social worker can help identify other resources in your community.

Parents Helping Parents has a network of support groups for parents who are having difficult times. Please call **1-800-882-1250**.

The Parental Stress Line is a 24-hour telephone service for parents and children who find themselves in stressful family situations. Please call **1-800-632-8188**.

What is a family Assessment?

An Assessment refers to the process the Department uses to gather and evaluate information about your family. This is an opportunity for you and your social worker to get to know each other in order to learn more about your family's particular strengths and needs. You will be encouraged to participate in this process, and to identify other family members and professionals who know your family and can help by providing additional information.

An Assessment enables the social worker to determine whether services are necessary, which services would be appropriate and who could best provide them. It also lets you know the reason for any continued Department involvement. If you already have an open case with the Department and an Assessment has been completed, DSS will not conduct another. However, your social worker may wish to make some changes to your family's current Service Plan.

If the Assessment indicates that services are needed, a Service Plan is developed by your social worker with your participation. It will describe the assistance your family will receive, and may include tasks such as making and keeping medical appointments for your children; making sure your children get to school, child care, or counseling; and time frames in which we hope these tasks will be completed.

The Department requires that an Assessment be completed within 45 working days. If it's determined that a service is needed before the Assessment is completed, referrals will be made as soon as such needs are identified. The decision to support the report for abuse or neglect will be reviewed at the end of the assessment. The Department can at that time change the report to unsupported.

Is there an opportunity to disagree with a DSS decision?

Yes. If you disagree with a decision, you may:

- Notify the social worker and his or her supervisor of your disagreement.
- Submit a written statement with facts you feel are important and request that this be added to the Department's files.
- Participate in one of the Department's appeal/review processes.

A Fair Hearing is an opportunity to dispute certain decisions or actions by the Department of Social Services or a DSS-contracted agency. Examples of situations when you may request a Fair Hearing include, but are not limited to, the following issues.

You can appeal the supported findings of an investigation of child abuse and/or neglect because you believe the Department failed to follow its regulations resulting in substantial harm to you.

To begin the Fair Hearing process, you must submit a written request to the Department's Fair Hearing Office within 30 calendar days after receiving notice of the decision which you would like heard. This request must include:

- Your name, address and telephone number;
- The date the decision was made;
- The name(s) of the child(ren);
- The name and address of the office where the decision was made;
- The decision you wish to appeal; and
- A copy of the notice sent to you by the Department, if possible.

Mail to: Massachusetts Department of Social Services
Fair Hearing Office
24 Farnsworth Street
Boston, MA 02210

You must also send a copy of your request to the Director of the Area Office, Regional Office, Contracted Provider Agency or Foster Care Review Unit whose decision you wish to contest. You will then be contacted regarding the review process.

The Grievance Process is intended to supplement the Fair Hearing Process and provides opportunity to resolve disagreements about any matter that cannot be appealed through a Fair Hearing. To initiate the Grievance Process, you must submit a written complaint to the Area Office, Regional Office, Contracted Provider Agency or Foster Care Review Unit whose decision you wish to contest, or employs the staff person whose conduct has prompted your complaint.

Grievance requests must be submitted within 30 calendar days after the decision was made or conduct occurred, and must include: a description of and the date on which the decision was made or conduct occurred; the reason for your complaint; and any written material you believe further explains or supports your complaint. A written notice of the Department's decision will be sent to you within 21 calendar days after your Grievance is received.

How can I get in touch with DSS?

Your social worker has provided the telephone number of the Area Office that will be serving your family. Your local Area Office is open from 8:45 a.m. – 5 p.m. each working day.

After 5 p.m. and on weekends and holidays, if you have concerns about a child's safety or other emergency, you can call the **Child-at-Risk Hotline** at **1-800-792-5200**. The Department also has an **Ombudsman's Office** available from 8:45 a.m. to 5 p.m. to help resolve problems and concerns. Please call **(617) 748-2444**.



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